

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII

0342

OPA

IN THE MATTER OF

Crofts Oil Co.

and Delin J. Crofts, Owner
1625 South 1500 East
Highway 40
Vernal, Utah 84078

Docket No. 8-PWS-VIII-94-21

EMERGENCY

ADMINISTRATIVE ORDER

Proceedings under Section 1431(a)
of the Safe Drinking Water Act,
42 U.S.C. §300i, as amended

I. STATUTORY AUTHORITY

The following Findings are made and Order issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by Section 1431 of the Safe Drinking Water Act (the Act). The Administrator of EPA has delegated the authority to take these actions to the Regional Administrator of Region VIII.

II. FINDINGS

1. Crofts Oil Co. (Respondent), is a corporation registered in the State of Utah on December 4, 1991. According to information obtained from the State of Utah, Crofts Oil Co. is owned solely by Delin J. Crofts.

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2. Delin J. Crofts (Respondent) is an individual and therefore "a person" within the meaning of 40 CFR §141.2.
3. According to a February 16, 1994 report from Lowell Card, Environmental Health Director, Uintah Basin Public Health Department and an on-site assessment by Hays Griswold, EPA On-Scene Coordinator, a gasoline plume has developed, as a result of a leak on the property owned by Respondents. This plume is estimated to be comprised of 7000 gallons of gasoline and is at least six (6) inches deep. This plume has resulted in contaminants that are likely to enter a public water system and other underground sources of drinking water. These contaminants may present an imminent and substantial endangerment to the health of persons.
4. The primary responsibility to enforce the National Primary Drinking Water Regulations has been delegated by EPA to the State of Utah. State and local officials have not acted to the degree necessary to protect health of persons because of jurisdictional problems. Pursuant to Section 1431 of SDWA, consultation between EPA and State and local officials has occurred.

III. ORDER

1. Within 24 hours after the receipt of this Order, Respondents shall initiate measures to ensure that no further contamination occurs.
2. Within 14 days of the receipt of this Order, Respondents must provide to EPA Region VIII a proposed plan and schedule for containment and remediation of the gasoline leak from Respondents' property. This plan shall include an evaluation of the extent to which the aquifer has become contaminated, by a qualified hydrogeologist or other qualified professional. This evaluation shall specifically address the extent of contamination to the drinking water distribution lines and sewage collection lines of the Ashley Valley Water and Sewer Improvement District public water system and any other public utilities' distribution lines, drinking water sources, sewage collection lines, and a proposal for correcting any contamination and other hazards. Once the plan is approved, in writing, by EPA, the plan must be implemented according to the approved schedule.
3. Respondents shall monitor the contaminant plume to determine the extent of future migration, its probable path, and to ensure the adequacy of remedial action.

This monitoring shall continue until such time as EPA Region VIII grants permission in writing to modify it.

4. Monitoring (one sample every two weeks) of the finished water contained in the Ashley Valley Water and Sewer Improvement District public water supply distribution lines that are directly affected by the plume shall be performed in conjunction with, and under the supervision of, representatives of the Ashley Valley Water and Sewer Improvement District. All samples shall be analyzed by a certified laboratory and according to the "Sampling Protocol" included as Attachment I of this Order and hereby incorporated by reference. After six (6) months, this monitoring may be reduced to quarterly monitoring, if sample analyses indicate that contaminants are not present above the maximum contaminant level (MCL) and upon the written consent of EPA. Technical questions regarding this protocol shall be directed to:

Mr. Robert Clement
U.S. Environmental Protection Agency
Drinking Water Branch (8WM-DW-PWSIE)
999 18th Street, Suite 500
Denver, Colorado 80202-2466
(303) 293-1259 (1-800-227-8917 X 1259)
FAX (303) 293-1234

5. Within 30 days of the effective date of this Order, Respondents shall map the extent of the plume and provide EPA with a copy of the map. If at any time during the preparation of this map, Respondents or their contractors discover that the contaminant plume contacts any public utilities' distribution lines, drinking water sources, and sewage collection lines, or may enter any other underground source of drinking water (private wells), Respondent shall immediately notify EPA and shall submit a sampling plan of the affected water source to EPA.

6. Unless otherwise specified, all reports and notifications herein required shall be submitted to:

Patrick Crotty
U.S. Environmental Protection Agency
Drinking Water Branch (8WM-DW-PWSIE)
999 18th Street, Suite 500
Denver, Colorado 80202-2466
Telephone (303) 293-1652

7. Within 48 hours of receipt of this Order, Respondents are to contact Mr. Patrick Crotty at the above address and telephone number to advise him of their intention to comply with this Order. If the 48 hours after receipt is not a federal work day, then Respondents shall contact Mr. Crotty by 10:00 a.m. of the first EPA

work day (Monday through Friday) after their receipt of this Order.

8. 40 CFR §141.31 requires that Respondents report to EPA within 48 hours their failure to comply with any National Primary Drinking Water Regulation (40 CFR Part 141). Any failure to report instances of non-compliance described above is a violation of 40 CFR §141.31.

IV. GENERAL PROVISIONS

1. This ORDER does not constitute a waiver, suspension, or modification of the requirements of 40 CFR §141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this ORDER is not an election by EPA to forego any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this ORDER may subject Respondents to an administrative penalty of up to \$5,000 per day of violation under Section 1431(b) of the Act, 40 U.S.C. Section 300i(b).
3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondents to a civil penalty of not more than \$25,000 per day of

violations under Section 1414(g)(3)(A) and (C) of the
Act, 42 U.S.C. 300g-3(g)(3)(A) and (C).

4. The effective date of this ORDER shall be the date of
the receipt of this ORDER by the Respondents.

IT IS SO ORDERED

Issued this 14th day of March, 1994.

William P. Yellowtail
William P. Yellowtail
Regional Administrator